

-4-

REMARKS

Amendment to Claim 14

Claim 14 has been amended to include the elements of Claim 23 that the isolated cell population is derived from human bone marrow. In addition to originally filed Claim 23, additional support for this amendment can be found in the specification at, for example, page 10, line 15-18; and page, 11, lines 12-14. No new matter has been added to amended Claim 14. Entry is respectfully requested.

Rejection of Claims 14, 19-21, and 25 Under 35 U.S.C. §112, First Paragraph

Claims 14, 19-21 and 25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that the claims contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention or in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention." The Examiner further stated that the claims remain rejected for the reasons set forth in the previous Office Action, which was mailed from the U.S. Patent and Trademark Office on July 13, 2005. In addition, the Examiner stated that Applicants' previous arguments are convincing as to the subject matter of Claim 23, directed to an isolated cell population derived from human bone marrow.

Applicants note that Claim 26 was also previously allowed and pending. Applicants' response to the Examiner's rejections include Claim 26.

Applicants' Attorney, Mary K. Murray, Ph.D., spoke with Examiner Lankford in a telephone conference call on December 7, 2005 regarding an amendment to Claim 14. The Examiner stated that he would consider an amendment directed to human bone marrow. Applicants have amended Claim 14 to include the amendment discussed with Examiner Lankford, thereby obviating the rejection.

-5-

Therefore, the specification provides a written description that conveys with reasonable clarity to those skilled in the art that Applicants were in possession of the claimed invention, as set forth in Claims 14, 19-21, 25 and 26.

Objection to Claim 23

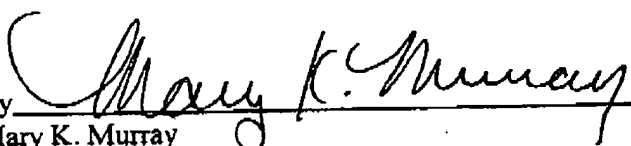
Claim 23 is objected to as being dependent upon a rejected base claim.
Applicants have canceled Claim 23, thereby obviating the objection.

SUMMARY AND CONCLUSIONS

The specification provides an adequate written description to support pending Claim 14, as amended, and Claims 19-21, 25 and 26 by meeting the requirements for 35 U.S.C. §112, first paragraph. Therefore, Applicants respectfully request entry of the amendment of the Claim 14 and remaining pending claims. If the Examiner feels that a telephone conference would expedite prosecution of this application, he is invited to call Applicants' undersigned Attorney.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Mary K. Murray
Registration No. 47,813
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: December 13, 2005